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6 *Attorneys for Defendant, CITY OF LOS ANGELES*

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 **MARGARITO T. LOPEZ, SONIA**
12 **TORRES, KENI LOPEZ, ROSY**
LOPEZ,

13 Plaintiff(s),

14 v.

15 **CITY OF LOS ANGELES, JOSE**
16 **ZAVALA, JULIO QUINTANILLA,**
AND DOES 1 THROUGH 10,
INCLUSIVE,

17 Defendant(s).

CASE NO. 2:22-cv-07534-FLA-MAAx
Hon. Judge Aenlle-Rocha, USDC-1st Cthse, Ctrm 6B;
Hon. Mag. Audero, USDC-Roybal Bldg, Ctrm 690

REQUEST BY COUNSEL FOR CITY
OF LOS ANGELES TO BE
EXCUSED FROM FPTC HEARING
OR, IN THE ALTERNATIVE,
REQUEST TO ALLOW ANOTHER
POLICE LITIGATION ATTORNEY
TO APPEAR AT FPTC HEARING
ON JUNE 28, 2024, FOR GOOD
CAUSE; DECLARATION OF TY A.
FORD

FPTC Hrg: June 28, 2024 @ 1:30 PM
Trial Date: July 16, 2024 @ 8:30 AM

Filed concurrently with [Proposed] Order

23
24 **TO THIS HONORABLE COURT:**

25 Counsel for Defendant CITY OF LOS ANGELES, Deputy City Attorney Ty A.
26 Ford, hereby respectfully requests leave of court to be excused from the Final Pretrial
27 Conference (“FPTC”) or, in the alternative, to allow another attorney from the City
28 Attorney’s Office’s Police Litigation Unit appear in his place at the FPTC on June 28,

1 2024, at 1:30 PM (and future proceedings) for good cause. The basis of the good cause
2 is that (1) Mr. Ford will not participate in the jury trial, as there are no longer any direct
3 claims alleged against Defendant City of Los Angeles; and (2) he will be out of the
4 country on the date of the FPTC.

5 WHEREAS, on March 1, 2024, per the Parties' stipulation, the Court ordered that
6 the federal claims against Defendant City of Los Angeles (denial of medical care,
7 deliberate indifference to serious medical needs, and three *Monell* claims, all pursuant
8 to 42 U.S.C. § 1983) were dismissed. (*See* Doc. 57 at ¶ 1-7). The stipulation and order
9 further stated that the remaining state law claims (negligence, battery, negligent
10 infliction of emotional distress, and violation of Bane Act) and federal claims (§ 1983
11 claims for excessive force and substantive due process) were proceeding against the
12 individual Defendant Officers Jose Zavala and Julio Quintanilla (represented by Muna
13 Busailah, Esq.) *only* and *not* directly against Defendant City of Los Angeles, but rather
14 under a vicarious liability theory ("None of the remaining claims are alleged under a
15 theory of direct liability against Defendant City of Los Angeles, but rather under a
16 theory of vicarious liability for Defendants Julio Quintanilla and Jose Zavala as their
17 employer at the time of the incident."). (*Id.* at ¶ 8.).

18 WHEREAS, the Final Pretrial Conference in this matter was originally set for
19 May 31, 2024. (*See* Doc. 27). This date was originally requested by Defense Counsel
20 for Defendant City of Los Angeles due to a long-planned and prepaid family trip out of
21 the county from June 11 through June 29, 2024. (*See* Declaration of Ty A. Ford ["Ford
22 Dec."] at ¶ 2).

23 WHEREAS, Counsel for Defendant City of Los Angeles has reviewed and is
24 aware of the Court's Civil Trial standing order re: "Schedule of Pretrial and Trial Dates,
25 Trial Requirements, and Conduct of Attorneys and Parties" requiring lead trial counsel
26 for all parties to be present at the Final Pretrial Conference.

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1 WHEREAS, although Deputy City Attorney Ford is still nominally on the docket
2 in the instant matter as counsel for Defendant City of Los Angeles, he will not
3 participate in the jury trial as trial counsel for Defendant City of Los Angeles, as all of
4 the remaining claims are proceeding against the individual Defendant Officers Zavala
5 and Quintanilla directly, with Defendant City of Los Angeles still named only for
6 Plaintiff's vicarious liability theory. (See Doc. 57 at ¶ 8; Ford Dec. at ¶ 3). The Parties
7 have stipulated that "Julio Quintanilla and Jose Zavala were working in the course and
8 scope of their employment and under the color of law with the City of Los Angeles at
9 the time of the incident," and thus, there is no factual dispute regarding the vicarious
10 liability theory as to Defendant City of Los Angeles. (*See Id.*).

11 WHEREAS, on May 30, 2024, the Court *sua sponte* on its own motion continued
12 the FPTC from May 31, 2024, to June 28, 2024. (*See* Doc. 93, text only entry).

13 WHEREAS, Counsel for Defendant City of Los Angeles will be out of the
14 country on a pre-paid international trip with his family from June 11 through June 29,
15 2024. (See Ford Dec. at ¶ 2). This trip was booked and paid for prior to the scheduling
16 of the June 28, 2024, hearing date. *Id.*

17 WHEREAS, counsel for Defendant Officers Zavala and Quintanilla, Muna
18 Busailah, Esq., will be present at the June 28, 2024, hearing. (Ford Dec. at ¶ 3). For
19 purposes of FPTC and Motions in *Limine* hearing, the legal position for all the
20 Defendants is the same. *Id.* All Joint Defense trial documents, including Joint Defense
21 Motions in *Limine*, have already been filed. *Id.*

22 THEREFORE, based on the foregoing good cause, Defense Counsel for
23 Defendant City of Los Angeles, Deputy City Attorney Ty A. Ford, respectfully requests
24 leave of Court to be excused from the FPTC.

25 Alternatively, if the Court prefers, Mr. Ford can arrange for a colleague from the
26 Police Litigation Unit of the City Attorney's Office to appear for Defendant City of Los
27 Angeles at the June 28, 2024, FPTC hearing. (*See* Ford Dec. at ¶ 4). The appearing
28 attorney will be familiar with Defendant City of Los Angeles's legal position as to all

1 matters to be heard by the Court. (*See Id.*). Again, Defendant City of Los Angeles will
2 join with the Defendant Officers represented by Ms. Busailah, as to all legal arguments,
3 and counsel appearing for Defendant City of Los Angeles will be familiar with the facts
4 of the case. (*See Id.*). If the Court wishes, the attorney appearing for Defendant City of
5 Los Angeles will file a Notice of Appearance of Counsel with the Court prior to the
6 June 28, 2024, FPTC. (*See Id.*).
7

8 Dated: June 4, 2024

HYDEE FELDSTEIN SOTO, City Attorney
DENISE C. MILLS, Chief Deputy City Attorney
KATHLEEN KENEALY, Chief Assistant City Attorney
CORY M. BRENT, Senior Assistant City Attorney

11 By: Ty A. Ford
12 TY A. FORD, Deputy City Attorney
13 *Attorneys for Defendant, CITY OF LOS ANGELES*
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DECLARATION OF TY A. FORD

I, Ty A. Ford, declare as follows:

1. I am a Deputy City Attorney with the Los Angeles City Attorney's Office. I am assigned the responsibility of representing the Defendant City of Los Angeles in the matter of *Margarito T. Lopez, et al. v. City of Los Angeles, et al.*, U.S. District Court Case Number 2:22-cv-07534-FLA-MAAx. I am admitted to practice before the United States District Court-Central District of California. I make this declaration upon my own personal knowledge, except upon those matters stated upon information and belief.

2. At the inception of this matter, I requested an "early" Final Pretrial Conference ("FPTC") because I knew I would be out of the country on a pre-paid international trip with my family from June 11 through June 29, 2024. The FPTC in this matter was originally set for May 31, 2024. (*See* Doc. 27).

3. Due to the dismissal of all federal claims against my only client in this matter, Defendant City of Los Angeles, and the stipulation that the remaining claims will proceed against the named Defendant Officers (Zavala and Quintanilla), represented by Muna Busailah, Esq., I will not participate in the jury trial as trial counsel for Defendant City of Los Angeles, as the remaining claims against Defendant City of Los Angeles are alleged only vicariously through the individual Defendant Officers. The individual Defendant Officers' counsel Ms. Busailah will be present for the June 28, 2024, FPTC. For purposes of FPTC and Motions in *Limine* hearing, the legal position for all the Defendants is the same. All Joint Defense trial documents, including Joint Defense Motions in *Limine*, have already been filed.

4. Thus, I am respectfully requesting to be excused from the June 28, 2024, FPTC, and further court proceedings in this matter. However, if the Court wishes for representation for Defendant City of Los Angeles other than Ms. Busailah for the June 28, 2024, FPTC, I can and will arranged for a colleague from the Police Litigation Unit of the City Attorney's Office to appear for Defendant City of Los Angeles at the June 28, 2024, FPTC hearing. The appearing attorney will be familiar with Defendant City

1 of Los Angeles's legal position as to all matters to be heard by the Court. Again, the
2 Defendant City of Los Angeles will join with Defendants Zavala and Quintanilla,
3 represented by Ms. Busailah, as to all legal arguments, and counsel appearing for
4 Defendant City of Los Angeles will be familiar with the facts of the case. If the Court
5 wishes, the attorney appearing for Defendant City of Los Angeles will file a Notice of
6 Appearance of Counsel with the Court prior to the June 28, 2024, hearing.

7 I declare under the penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed this 4th day of June, 2024, at Los Angeles, California.

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11 *Ty A. Ford*
12 TY A. FORD, Declarant
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